* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY 4th Election District 3rd Councilmanic District * Case No. 91-248-A

Herbert M. Arenberg, et ux Petitioners * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 31 feet in lieu of the required 50 feet for an existing two car garage in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 3116 Walnut Avenue, consists of 1.06 acres zoned R.C. 5 and is improved with a single family dwelling and attached garage which is the subject of this case. Mr. Arenberg testified that he built the attached garage in 1983 without benefit of a building permit. Testimony indicated that Petitioners recently applied for refinancing during which time they were advised that a building permit was required. At the time of building permit application, Petitioners were advised that a variance was necessary prior to the issuance of any permits. Mr. Arenberg testified that undue hardship and practical difficulty would result if the relief requested were not granted. He further testified that the adjoining property owner on the affected side has no objection to the garage. Testimony indicated that the variance requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

PETITION FOR ZONING VARIANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 1 A04, 3, 135, 1 A00. 3, B.3 (1971 Regs.)

TO PERMIT 31 FT. SIDE SETBACK IN LIBY OF

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; following reasons: (indicate hardship or practical difficulty)

To be discussed at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

REQUIRED SOFT.

Contract Purchaser:

Address

City and State

(Type or Print Name)

(Type or Print Name)

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such tashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of April, 1991 that the Petition for Zoning Variance to permit a side yard setback of 31 feet in lieu of the required 50 feet for an existing two car garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief grant-

EIVED FOR

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that pro-

ZONING DESCRIPTION

Beginning at a point on the north side of Walnut Avenue which

Beginning at a point on the north side of Walnut Avenue which is 60 feet wide at the distance of 585 feet west of the centerline of the nearest improved intersecting street (Huntmaster Way) which is 50 feet wide. Being Lot #45, Section #1 in the subdivision of Valley Hills as recorded in Baltimore County Plat Book #37, Folio #26, containing 46,200 square feet or 1.06 Acres +-. Also known as 3116 Walnut Avenue and located in the #4 Election District and #3

Councilmatic District.

ceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The relief granted herein is conditioned upon Petitioners applying for the requisite building permit within forty-five (45) days of the date of this Order.

3) Petitioners shall submit a copy of the final approved permit to this Office for inclusion in the case file.

- 3-

CERTIFICATE OF POSTING

Herbert M. arenbirg et up

Location of Signs: In front of 3116 Walnut arenue

YOMING DEPARTMENT OF BALTIMORE COUNTY

Location of property: 11/5 Walnut Counce, 585' Wef c/2 of Huntmaster Way

M. M. Nesturas ANN M. NASTAROWICZ Deputy Zoning Commissioner

for Baltimore County

111 West Chesapeake Avenue Towson, MD 21204

887-3353

April 2, 1991

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Mr. & Mrs. Herbert M. Arenberg 3116 Walnut Avenue Owings Mills, Maryland 21117

RE: PETITION FOR ZONING VARIANCE N/S Walnut Avenue, 585' W of Huntmaster Way (3116 Walnut Avenue) 4th Election District - 3rd Councilmanic District Herbert M. Arenberg, et ux - Petitioners Case No. 91-248-A

Dear Mr. & Mrs. Arenberg:

AMN:bjs

cc: People's Counsel

File

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

and HNostenia

ANN M. NASTAROWICZ Deputy Zoning Commissioner

for Baltimore County

91-248-9

Date of Posting March 5, 199!

Date of return March 8, 1991

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on $\frac{2 \cdot 38}{199}$, $\frac{99}{19}$

CERTIFICATE OF PUBLICATION

successive weeks, the first publication appearing on 28, 19.11.

\$ 61.91

THE JEFFERSONIAN,

Baltimore County Zoning Commisioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Gashler Validation

91-248-A

Account: R-001-6150



Please Make Checks Payable To: Baitimore Epungo 11:43A312-20-90

91-248-4

"Mona B. Alunbus (CFFICE: 578 4088) 3116 WALNUT AVE 356-5066 OWINGS MUS, MD. 21117 Name, address and phone number of legal owner, contract purchaser or representative to be contacted HERBERT M. ARENBERG (OFFICE: 578-4088) 3116 WALNUT AVE 3565066

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property

which is the subject of this Petition.

HERBERT M. ARENBERG

B. ARENBERG

Whent H. Anenly

AVAILABLE FOR HEALT MON. /1988. / 601 - HEATS 1200 FOR 18 Zoning Commissioner of Baltimore Count

\$35.00

Zoning Commissioner

County Office Building 11: West Chesapeaka Avenue
The Fowson, Man Lind 21200 Please Make Checks Payable To: Baltimore County Cashler Validation

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning 411 West Chesapeake Avenue Towson, MD 2120 £

887-*33*53

Herbert M. and Mona B. Arenberg 3116 Walnut Avenue Owings Mills, Maryland 21117

DATE: 3-12-91

Case Number: 91-248-A N/S Walnut Avenue, 585' W of c/1 Huntmaster Way 3116 Walnut Avenue 4th Election District - 3rd Councilmanic Petitioner(s): Herbert M. Arenberg, et ux HEARING: WEDNESDAY, MARCH 27, 1991 at 10:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 86.57 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

February 1, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimere County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-248-A N/S Walnut Avenue, 585' W of c/l Huntmaster Way 3116 Walnut Avenue 4th Election District - 3rd Councilmanic Petitioner(s): Herbert M. Arenberg, et ux HEARING: WEDNESDAY, MARCH 27, 1991 at 10:00 a.m.

Variance to permit 31 ft. side setback in lieu of required 50 ft.

J. Robert Hounes

Zoning Commissioner of Baltimore County

cc: Herbert M. and Mona B. Arenberg

Baltimore County Government Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

March 14,1991

Mr. & Mrs. Herbert M. Arenberg 3116 Walnut Avenue Owings Mills, MD 21117

> RE: Item No. 256, Case No. 91-248-A Petitioner: Herbert M. Arenberg, et ux Petition for Zoning Variance

Dear Mr. & Mrs. Arenberg:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

Baltimore County Government Zoning Commissioner Office of Planning and Zoning **EM.**

111 West Chesapeake Avenue Towson, MD 2120+

9th day of January, 1990.

Your petition has been received and accepted for filing this

ZONING COMMISSIONER

887-3353

Received By:

Petitioner: Herbert M. Arenberg, et ux Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: January 17, 1991 J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: William Peter Hoewinski, Item No. 251 Charles D. Mross, Item No. 253 Herbert M. Arenberg, Item No. 256 Henry John Voelker, Jr., Item No. 259 Macintosh-I Limited Partnership, Item No. 234 Sean Kevin McFaul, Item No. 235 Samuel R. Holcomb, Item No. 237 Peter E. Daley, Item No. 238

Terrence A. Layton, Item No. 243 In reference to the above-referenced cases, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm MULTIITE.MS/ZAC1

received

Baltimore County Government Fire Department

JAMUARY 11, 1991

(301) 887-4500

J. Potert Haines Zoning Commissioner Office of Flanning and Ecning Baltimore County Office Building Towsor, ND 21204

Too East Joppa Road Suite 901

Towson, MD 21204-5500

PF: Property Cwner: EEREERT N. APENBERG

#3116 WALNUT AVENUE Location: Iter Po.: 256 Foring Agenda: JANUARY 8, 1991

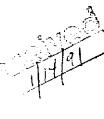
Centlemen:

Pursuant to your request, the referenced property las been surveyed ly this Bureau and the contents held are applicable and required to be corrected or incorporated into the final plans for the property.

F. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Frotection Association Stanctrd No. 101 "Life Safety Code", 1988 edition prior to cooupancy. CHAPTER 22

PEVIEWER Set Joseph Leiley 1:11:91 Approved Fire Prevention Eureau Special Inspection Division

JK/KEK



BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 14, 1991 FROM: Robert W. Bowling, P.E.

BE: Zoning Advisory Committee Meeting for January 8, 1991

The Developers Engineering Division has reviewed the subject soning items and we have no comments for Items 244, 249, 250, 251, 252, 253, 256, 258 and 259.

For Items 201 revised (Ferring Flass Shopping Center) and 247, the pravious County Review Group comments are applicable.

For Items 251 and 235 and 257, County Review Group Meetings may be required.

Levelopers Engineering Division

EWB:::



BALTIMORE COUNTY, MARYLAND DEPARTMENT OF PERMITS AND LICENSES TOWSON, MARYLAND 21204

BUILDING PERMIT

PE: 017 #: B090874 CONTROL #: MR DATE ISSUED: 05/06/91 TAX ACCOUNT #: 1600013212 CLASS: 04 THANS: CONST 0 PLOT:1 R PLAT DATA ELEC YES PLUM NO LOCATION: 3116 WALNUT AVE

NAME: ARRENBERG, HERBERT & MONA ADDR: 3116 WALNUT AVE OWINGS HILLS MP. 21117

WORK: TWO COR ATTACHED GARAGE BUILT 8 YRS AGO ON SIDE OF EXISTING SFD. 20x25.5x12=510SF.

BLDG. CODE: 1 AND 2 FAM. CODE RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: FRIVATELY OWNED

2,000.00 EXISTING USE: SED TYPE OF IMPRV: ADDITION

SUBDIVISION: VALLEY HILLS

FOUNDATIUN:

SEWAGE: PRIV. EXISTS

LOT SIZE AND SETBACKS

FRONT STREET: SIDE STREET:

FRONT SETB: SIDE SETB: SIDE SIR SETB:

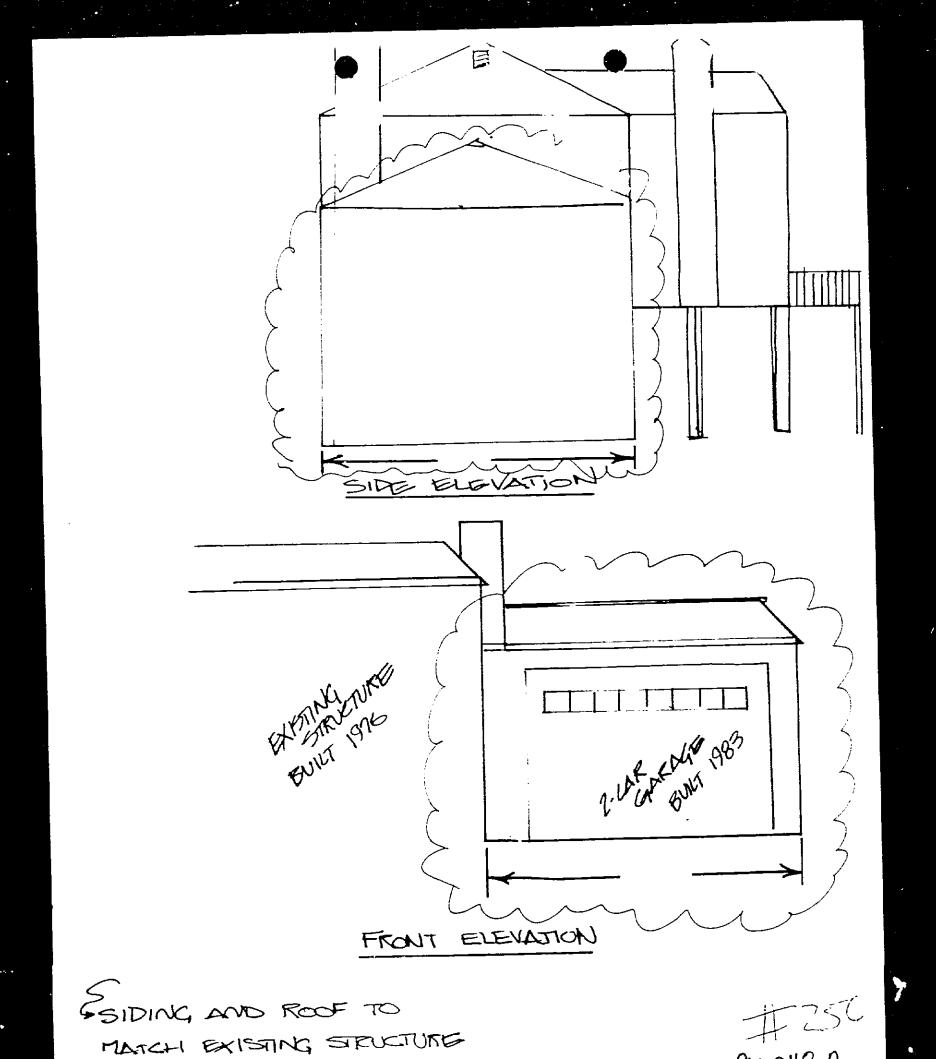
REAR SETB: NO

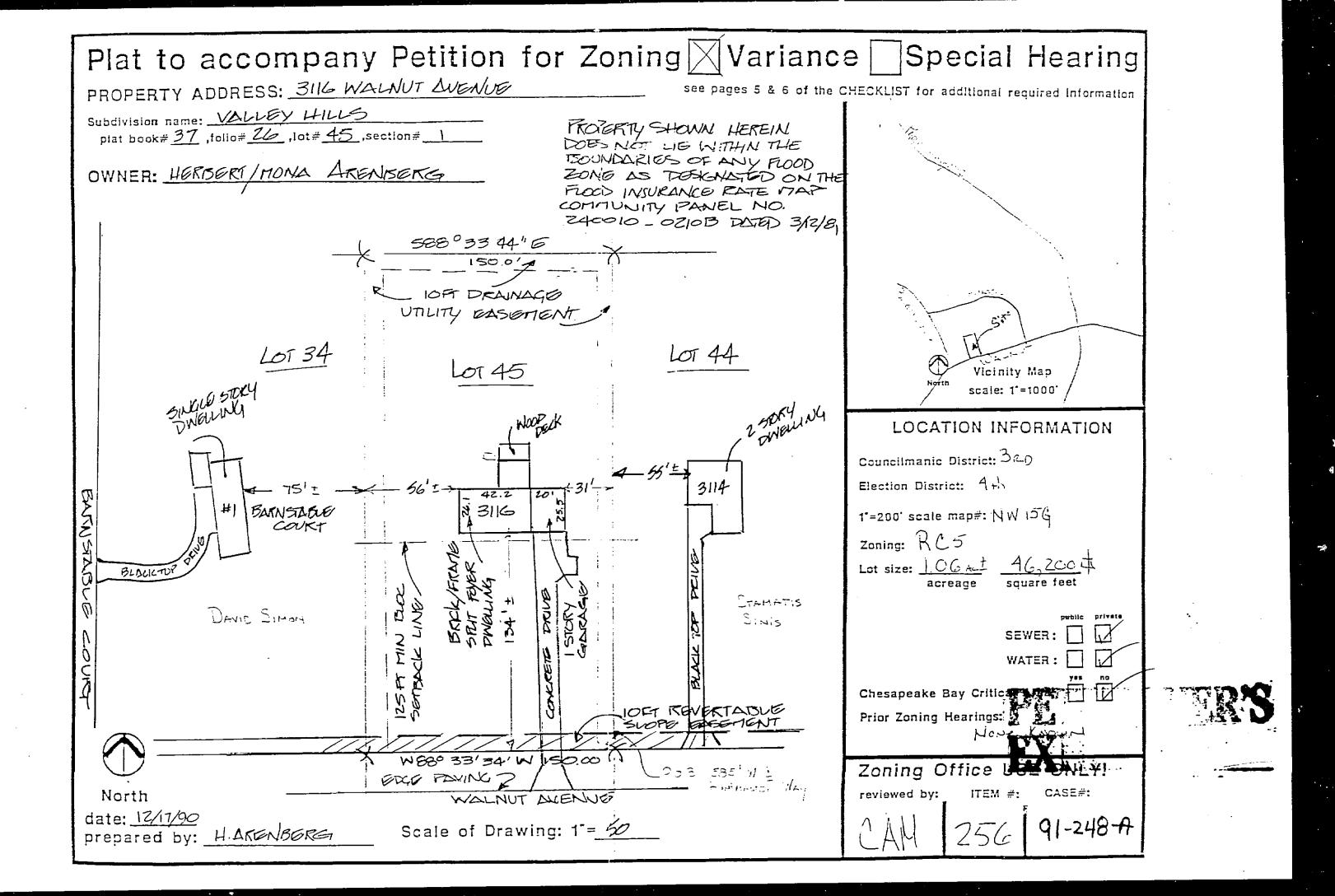
THIS PERMIT EXPIRES ONE YEAR FROM DATE

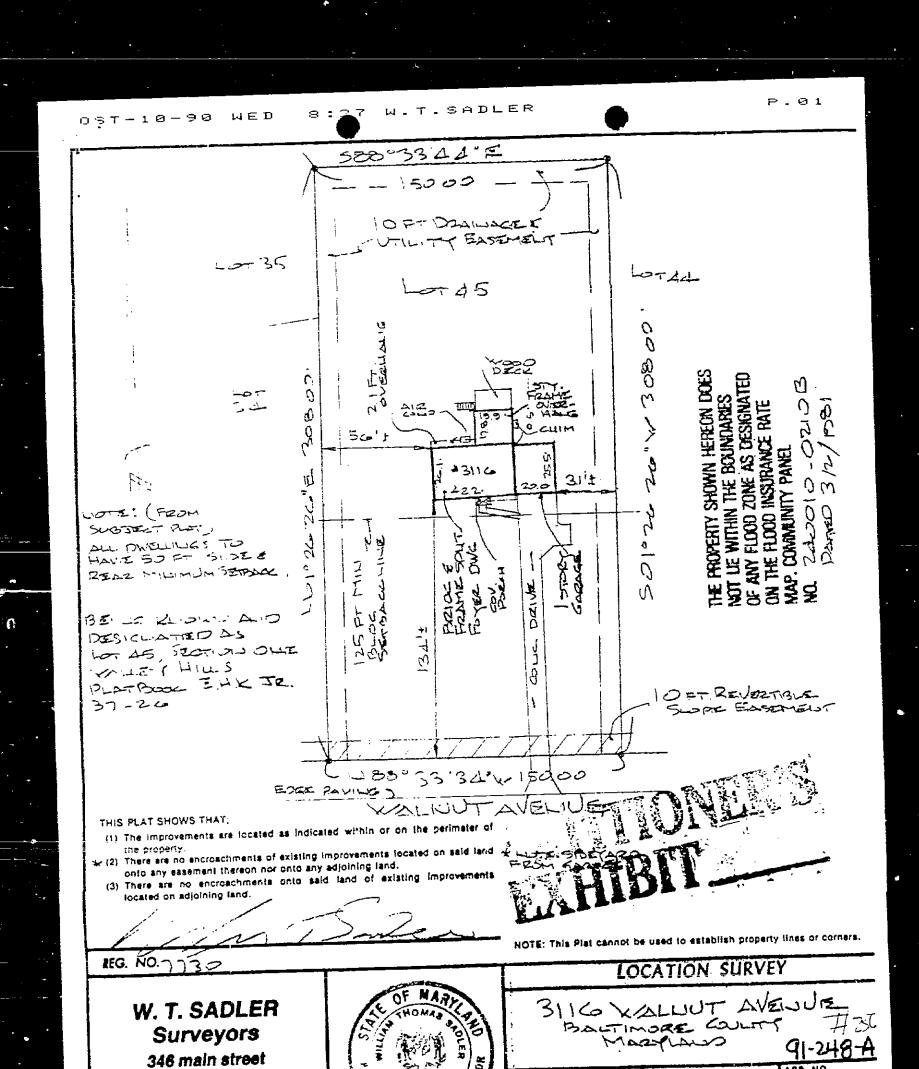
BUILDINGS ENGINEER

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

WATER: PRIV. EXISTS







10/9/990

